

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 414 (Maienschein)
Version: April 6, 2021
Hearing Date: June 8, 2021
Fiscal: No
Urgency: No
AWM

SUBJECT

Local government: county regional justice facilities

DIGEST

This bill repeals several statutes made obsolete by the state's assumption of the obligation to fund court operations and trial court unification.

EXECUTIVE SUMMARY

Around the turn of the century, California adopted two major changes to its trial court system: the state assumed responsibility from the counties for funding trial court operations, and all 58 counties unified their municipal and superior courts into superior courts with limited and unlimited civil divisions. The California Law Revision Commission (Commission) is now tasked with identifying provisions in the Codes that are obsolete in light of these changes.

This bill would repeal several statutes the Commission has identified as obsolete. Specifically, the bill would repeal statutes relating to county administration and funding for regional justice facilities, which became obsolete after the state assumed financial responsibility for court funding; and a statute requiring the Judicial Council and the Commission to conduct certain studies and make recommendations to the Governor and the Legislature on the issue of reunification and state court funding, which have long since been completed.

This bill is sponsored by the author and supported by the Commission. There is no known opposition. If this bill passes out of this Committee, it will then be heard by the Senate Governance and Finance Committee.*

*A prior version of this analysis incorrectly stated where this bill would be going to next. This has been corrected.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) As of July 1, 1997, assigns to the state the sole responsibility for funding court operations. (Gov. Code, § 77200.)
- 2) As of June 3, 1998, authorizes counties to unify their municipal and superior trial courts into a single superior court. (1996 Cal. Stat. Res. Ch. 36 (SCA 4 (Lockyer).)¹)
- 3) As of July 1, 2004, provided that responsibility of county court facilities should be transferred from the relevant county to the Judicial Council by December 31, 2009. (Gov. Code, § 70321.)
- 4) Provides, in statutes predating the state's responsibility for funding court operations, for the establishment of county financing agencies to enable counties to fund regional justice facilities (collectively, the Regional Justice Facilities Acts). Specifically, these statutes are:
 - a) The San Joaquin County Regional Justice Facility Financing Act (the San Joaquin Act), which authorizes San Joaquin County to create a new governmental entity to finance court facilities and prevention programs and, if approved by the voters, adopt a retail transactions and use tax to fund its efforts. (Gov. Code, tit. 3, div. 2, pt. 2, ch. 13.6, §§ 26290 et seq.)
 - b) The Orange County Regional Justice Facilities Act (the Orange County Act), which authorizes Orange County to establish a commission to address regional justice facility needs and allow the voters to approve a general tax for the commission's general purposes. (Gov. Code, tit. 3, div. 2, pt. 2, ch. 13.7, §§ 26295.2 et seq.)
 - c) The County Regional Justice Facilities Financing Act (the Multi-County Act), which authorizes the counties of Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura to create county regional justice facilities financing agencies to address court financing needs and allow the voters the opportunity to approve a general tax to help meet those financing needs. (Gov. Code, tit. 3, div. 2, pt. 2, ch. 13.8, §§ 26299.001 et seq.)
- 5) Requires, in a statute enacted in 2002,² the Commission and the Judicial Council of California to study and make recommendations to the Governor and Legislature on issues relating to statutory changes that may have been necessitated by court unification. (Gov. Code, § 70219.)
- 6) Requires the Commission to determine whether any provisions of law are obsolete as a result of the state's assumption of court funding obligations or the

¹ SCA 4 was approved by the voters on June 1998 as Proposition 220 and took effect the next day.

² SB 1316 (Senate Judiciary Committee, Ch. 784, Stats. 2002).

implementation of court unification, and to recommend to the Legislature amendments to remove those obsolete provisions. (Gov. Code, § 71674.)

This bill:

- 1) Repeals the Regional Justice Facilities Acts and related Government Code sections addressing the potential general taxes authorized by the Regional Justice Facilities Acts.
- 2) Repeals the statute requiring the Commission and the Judicial Council to study and make recommendations to the Governor and Legislature on issues relating to statutory changes that may have been necessitated by court unification.
- 3) Makes nonsubstantive conforming changes to the definitions for the Trial Court Employment Protection and Governance Act. (Gov. Code, tit. 8, ch. 7, §§ 71600 et seq.)

COMMENTS

1. Author's comment

According to the author:

AB 414 is an important bill to revise provisions of law that have become obsolete as a result of trial court restructuring. This would improve the law by making the codes correctly reflect current conditions.

2. This bill repeals statutes rendered obsolete by measures providing for state funding of court operations and the unification of trial courts

Until the end of the last century, California had two types of trial courts: municipal courts with limited jurisdiction, and superior courts with jurisdiction over all other cases.³ The courts were county-operated and county-funded, and court facilities were owned, constructed, and maintained by the counties.⁴ In 1997 and 1998, however, the Legislature and the voters approved measures to grant the state full responsibility for funding trial court operations and permitting counties to consolidate their municipal and superior courts into a single superior trial court.⁵ By 2001, all 58 counties had elected to unify their municipal superior courts; today, all 58 counties continue to operate under the unified structure.⁶ In 2002, the Legislature enacted legislation to begin

³ California Law Revision Commission, Recommendation, *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts* (Sept. 2020), at p. 1, available at <http://clrc.ca.gov/pub/Printed-Reports/Pub242-11405.4.pdf> [last visited Jun. 4, 2021] (hereafter *Commission Report on Regional Justice Facilities Acts*).

⁴ *Id.* at pp. 1-2.

⁵ *Id.* at p. 2.

⁶ *Ibid.*

transferring control of county court facilities from each county to the Judicial Council.⁷ The Legislature subsequently tasked the Commission and the Judicial Council to study and make recommendations to the Governor and the Legislature to identify unification issues appropriate for further study.⁸ The Legislature also charged the Commission with determining whether any provisions of law were rendered obsolete by the state's assumption of court funding obligations or court unification.⁹

This bill would repeal several statutes identified by the Commission as obsolete in its recent reports.

First, the bill would repeal the Regional Justice Facilities Acts, which permitted several counties to form agencies or commissions to address court funding issues at a county level and granted the counties the authority to seek voter approval for general or use taxes to fund county courts.¹⁰ The bill would also repeal statutes specifically addressing the potential taxes levied by the counties under the Regional Justice Facilities Acts. According to the Commission, no county's voters ever approved the taxes authorized to fund courts on a county level, and now that the state has assumed the obligation to fund the courts, these provisions appear obsolete.

As the Commission notes, it would be possible to restructure the Regional Justice Facilities Acts to reflect current conditions rather than repeal them entirely.¹¹ According to the Commission, however, stakeholders, including the affected courts and counties, were either neutral about retaining the Regional Justice Facilities Acts or actively recommended repealing them.¹² This Committee has received no information to the contrary or any suggestion that anyone would prefer to retain the Regional Justice Facilities Acts. Repealing the Regional Justice Facilities Acts therefore appears to be a reasonable approach to remove obsolete content from the Codes.

Second, the bill would repeal Government Code section 70219, which was put in place in 2002 as part of the court unification process and tasked the Commission and Judicial Council to study and make recommendations relating to certain unification issues.¹³ According to the Commission, the contemplated studies and recommendations have been completed to the extent contemplated by the statute, rendering the statute obsolete

⁷ Gov. Code, § 71321; SB 1732 (Escutia, Ch. 1082, Stats. 2002).

⁸ Gov. Code, § 70219.

⁹ Gov. Code, § 71674.

¹⁰ See Gov. Code, tit. 3, div. 2, pt. 2, ch. 13.6 (§§ 26290 et seq.), ch. 13.7 (§§ 26295.2 et seq.), ch. 13.8 (§§ 26299.001 et seq.).

¹¹ *Commission Report on Regional Justice Facilities Acts*, supra, fn. __, at pp. 1, 12, available at <http://clrc.ca.gov/pub/Printed-Reports/Pub242-J1406.1.pdf> [last visited Jun. 4, 2021].

¹² *Id.*, at pp. 12-13. The Commission notes that the Humboldt County Superior Court suggested amending the Multi-County Act, but the recommended amendments were so extensive that the result would bear little resemblance to the current law; the Commission therefore concluded those changes would be better made on a clean slate rather than trying to overwrite existing law. (*Ibid.*)

¹³ Gov. Code, § 70219; SB 1316 (Senate Judiciary Committee, Ch. 784, Stats. 2002).

and ready for repeal.¹⁴ In the absence of any opposition or any suggestion that the Commission has not completed the contemplated studies and recommendation, repealing the now-obsolete statute appears reasonable.

SUPPORT

California Law Revision Commission

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1984 (Maienschein, Ch. 210, Stats. 2020) made a range of conforming changes to various statutes to conform with court unification, including repealing provisions relating to the responsibilities of county boards of supervisors for court facilities and operations.

AB 1529 (Dickinson, Ch. 470, Stats. 2012) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

AB 2767 (Assembly Judiciary Committee, Ch. 212, Stats. 2010) among other things, amended statutes based on recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

SB 1182 (Ackerman, Ch. 56, Stats. 2008) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

PRIOR VOTES:

Assembly Floor (Ayes 77, Noes 0)

Assembly Local Government Committee (Ayes 8, Noes 0)

¹⁴ See California Law Revision Commission, Recommendation, *Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219* (Oct. 2020), at p. 1, available at <http://clrc.ca.gov/pub/Printed-Reports/Pub242-J1406.1.pdf> [last visited Jun. 4, 2021].